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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

|                        |  |
|------------------------|--|
| Attorney Docket No.    | 4002-3433/PC545.02   |
| First Inventor         | Eddie F. Ray, III et al.                                   |
| Title                  | METHODS AND INSTRUMENTATION FOR VERTEBRAL INTERBODY FUSION |
| Express Mail Label No. | EL 984 269 540 US  |

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO: Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ \*Fee Transmittal Form (e.g., PTO/SB/17)  
(submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 40]  
(preferred arrangement set forth below)
- Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table, or a computer program listing appendix or computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 39]  
☐ Informal ☒ Formal
5. Oath or Declaration [Total Pages 4]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 C.F.R. §1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/945,277

Prior application information: Examiner: David Owen Reip Group / Art Unit: 3731

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

|   |   |           |                |                                   |                  |
|---|---|-----------|----------------|-----------------------------------|------------------|
| <input type="checkbox"/> Customer Number: | OR <input checked="" type="checkbox"/> Correspondence address below |           |                |                                   |                  |
| Name                                      | Woodard, Emhardt, Moriarty, McNett & Henry LLP                      |           |                |                                   |                  |
| Address                                   | Bank One Center/Tower<br>111 Monument Circle, Suite 3700            |           |                |                                   |                  |
| City                                      | Indianapolis  | State     | IN             | Zip Code                          | 46204-5137       |
| Country                                   | USA   | Telephone | (317) 634-3456 | Fax                               | (317) 637-7561   |
| Name (Print/Type)                         | Douglas A. Collier  |           |                | Registration No. (Attorney/Agent) | 43,556           |
| Signature                                 | <i>Douglas A. Collier</i>   |           |                | Date                              | October 20, 2003 |

Express Mail Label Number EL 984 269 540 US Date of Deposit October 20, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

*Eddie F. Ray, III*  
Signature of person mailing paper or fee

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

17510 U.S. PTO  
10/689277

102003

**FEE TRANSMITTAL  
FOR FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

**Complete if Known**

|  |  |                        |                          |
|--|--|------------------------|--------------------------|
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 |  | Application Number     |                          |
| Total Amount of Payment  |  | Filing Date            |                          |
| (\$1040.00)  |  | First Named Inventor   | Eddie F. Ray, III et al. |
|  |  | Group Art Unit         |                          |
|  |  | Examiner Name          |                          |
|  |  | Attorney Docket Number | 4002-3433/PC545.02       |

**METHOD OF PAYMENT**
☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit  
Account  
Number

23-3030

Deposit  
Account  
NameWoodard, Emhardt, Moriarty,  
McNett & Henry LLP

The Commissioner is authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☐ Credit any overpayments
- ☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees
- ☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description        | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 1001           | 770             | 2001           | 385             | Utility Filing Fee     | 770      |
| 1002           | 340             | 2002           | 170             | Design Filing Fee      |          |
| 1003           | 530             | 2003           | 265             | Plant Filing Fee       |          |
| 1004           | 770             | 2004           | 385             | Reissue Filing Fee     |          |
| 1005           | 160             | 2005           | 80              | Provisional Filing Fee |          |
| SUBTOTAL (1)   |                 |                |                 |                        | (\$770)  |

**2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee From Below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 35                 | -20** = 15   | X 18 =         | 270      |
| Independent Claims | 3            | -3** = 0       | X = 0    |
| Multiple Dependent |              |                |          |

| Large Entity Fee Code | Fee (\$) | Small Entity Fee Code | Fee (\$) | Fee Description   |
|-----------------------|----------|-----------------------|----------|---|
| 1202                  | 18       | 2202                  | 9        | Claims in excess of 20                                    |
| 1201                  | 86       | 2201                  | 43       | Independent claims in excess of 3                         |
| 1203                  | 290      | 2203                  | 145      | Multiple dependent claim, if not paid                     |
| 1204                  | 86       | 2204                  | 43       | **Reissue independent claims over original patent         |
| 1205                  | 18       | 2205                  | 9        | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$270)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee Code | Fee (\$) | Small Entity Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|----------|-----------------------|----------|--|----------|
| 1051                  | 130      | 2051                  | 65       | Surcharge - late filing fee or oath  |          |
| 1052                  | 50       | 2052                  | 25       | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 1053                  | 130      | 1053                  | 130      | Non-English specification  |          |
| 1812                  | 2,520    | 1812                  | 2,520    | For filing a request for ex parte reexamination                            |          |
| 1804                  | 920*     | 1804                  | 920*     | Requesting publication of SIR prior to Examiner's Action                   |          |
| 1805                  | 1,840*   | 1805                  | 1,840*   | Requesting publication of SIR after Examiner's Action                      |          |
| 1251                  | 110      | 2251                  | 55       | Extension for reply within first month                                     |          |
| 1252                  | 420      | 2252                  | 210      | Extension for reply within second month                                    |          |
| 1253                  | 950      | 2253                  | 475      | Extension for reply within third month                                     |          |
| 1254                  | 1,480    | 2254                  | 740      | Extension for reply within fourth month                                    |          |
| 1255                  | 2,010    | 2255                  | 1,005    | Extension for reply within fifth month                                     |          |
| 1401                  | 330      | 2401                  | 165      | Notice of Appeal   |          |
| 1402                  | 330      | 2402                  | 165      | Filing a brief in support of an appeal                                     |          |
| 1403                  | 290      | 2403                  | 145      | Request for oral hearing   |          |
| 1451                  | 1,510    | 1451                  | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452                  | 110      | 2452                  | 55       | Petition to revive - unavoidable   |          |
| 1453                  | 1,330    | 2453                  | 665      | Petition to revive - unintentional   |          |
| 1501                  | 1,330    | 2501                  | 665      | Utility issue fee (or reissue)   |          |
| 1502                  | 480      | 2502                  | 240      | Design issue fee   |          |
| 1503                  | 640      | 2503                  | 320      | Plant issue fee  |          |
| 1460                  | 130      | 1460                  | 130      | Petitions to the Commissioner  |          |
| 1807                  | 50       | 1807                  | 50       | Petitions related to provisional applications                              |          |
| 1806                  | 180      | 1806                  | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021                  | 40       | 8021                  | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809                  | 750      | 2809                  | 375      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810                  | 770      | 2810                  | 385      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801                  | 770      | 2801                  | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802                  | 900      | 1802                  | 900      | Request for expedited examination of a design application                  |          |

Other Fee (specify)

\* Reduced by Basic Filing Fee Paid

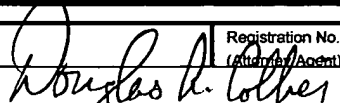
SUBTOTAL (3) (\$)

**SUBMITTED BY**

Name (Print/Type)

Douglas A. Collier

Signature


Registration No.  
(Attorney/Agent)

43,556

Telephone

(317) 634-3456

Date

October 20, 2003

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.